

### REMARKS

The amendments set out above and the following remarks are believed responsive to the points raised by the Office Action dated June 23, 2003. In view of the amendments set out above and the following remarks, reconsideration is respectfully requested.

Claims 1-4 have been cancelled and new claim 5 has been added to describe the invention more clearly. Accordingly, independent claim 5 is the only pending claim.

Claims 1-4 were rejected under 35 USC 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. According to the Office Action, it is unclear whether the petroleum solvent is part of the detergent composition or is considered a second fluid. The Office Action also asserts it is unclear whether the term "nonaqueous system" is used to describe the composition or the petroleum solvent. Finally, according to the Office Action the units describing the solubility of the composition in diesel oil is unclear.

The new claim more distinctly claims the subject matter which Applicants regard as their invention. In addition, the specification has been clarified. It is now clear that the petroleum solvent is part of the detergent composition and that "non-aqueous" refers to non-aqueous washing of a petroleum refining apparatus. With respect to the units for the solubility of the composition in oil, Applicants respectfully point out that the number is a ratio and is therefore unitless. As explained in the specification at page 5, lines 22-26, "solubility" is the number of grams of surfactant which transparently dissolves in 100 grams of diesel fuel. The solubility is therefore properly unitless. Thus, it is respectfully submitted that with these remarks, the amendments to the specification, and the new claim, the bases for rejection under 35 USC 112 has now been overcome and should be withdrawn.

Claims 1-4 were rejected under 35 U.S.C. 102 as anticipated by U.S. Patent No. 6,534,449 to Gilmore et al. Claims 1-4 were rejected under 35 U.S.C. 102 as anticipated by U.S. Patent No. 5,741,502 to Roberts. Claims 1-4 were rejected under 35 U.S.C. 102 as anticipated by U.S. Patent No. 5,723,423 to Van Slyke. Claims 1, 2 and 4 were rejected under 35 U.S.C. 102 as anticipated by U.S. Patent No. 3,962,151 to Dekker et al. These rejections are respectfully traversed, if not, in fact, moot in view of the submission of the new claim in place of claims 1-4.

A reference anticipates a claimed invention only if it discloses each and every element of the claimed invention. None of the cited references discloses each and every element of independent claim 5 and, therefore, none of the cited references anticipates that claim. For example, none of the cited references discloses a detergent composition including, *inter alia*, a

In re Appln. of MUKOGAWA et al.  
Application No. 09/980,079

surfactant, a terpene compound, and a light oil, where 0.5 to 20% by weight of a mixture of the surfactant and the terpene compound is dissolved in the light oil. Furthermore, none of the cited references discloses a surfactant having a solubility of at least 10 with respect to diesel fuel at 25 °C.

Additionally, Roberts is directed to adjuvant compositions which improve the chemical and physical properties of a pesticide and does not even suggest a detergent composition for non-aqueous washing of the inside of a petroleum refining apparatus. Furthermore, although the Office Action asserts that Roberts discloses sorbitan fatty acid esters, Roberts does not disclose or even suggest sorbitan esters *having an HLB value of 1 to 10*.

For the reasons set forth above, reconsideration of the rejections with respect to new claim 5 is respectfully requested.

In view of the amendment and remarks recited herein, the application is considered in good and proper form for allowance, and the Examiner is respectfully requested to pass this application to issue.

If, in the opinion of the Examiner, a telephone conference would expedite the prosecution of the subject application, the Examiner is invited to call the undersigned attorney.

Respectfully submitted,

Shannon Schemel

Shannon Schemel, Reg. No. 47,926  
LEYDIG, VOIT & MAYER  
700 Thirteenth Street, N.W., Suite 300  
Washington, DC 20005-3960  
(202) 737-6770 (telephone)  
(202) 737-6776 (facsimile)

Date: December 22, 2003

Amendment or ROA - Regular (Revised 9/03/03)